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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of the)
Telecommunications Act of 1996:)
)
Telecommunications Carriers' Use)
Of Customer Proprietary Network)
Information and Other Customer)
Information)
)
Implementation of the Non-Accounting)
Safeguards of Sections 271 and 272)
Of the Communications Act of 1934,)
As Amended)
_____)

CC Docket No. 96-115

CC Docket No. 96-149

COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. §1.429, hereby respectfully submits its Comments on the Petition for Further Reconsideration of the *Order on Reconsideration and Petitions for Forbearance*, FCC 99-223, released September 3, 1999, in the above-referenced proceeding (*CPNI Reconsideration Order*) filed by MCI WorldCom ("MCIW"). Sprint strongly supports MCIW's requested modifications of several of the rulings reached in the *CPNI Reconsideration Order*. Such modifications are necessary if the Commission is to prevent the Regional Bell Operating Companies ("RBOCs") and GTE from exploiting their monopoly endowment of their customers' CPNI to hinder the entry of competing carriers into the local and intraLATA markets.

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MCIW explains, for example, that its inability to obtain access to a customer's local CPNI resident with Bell Atlantic, even with customer consent, is having a significant detrimental affect on its ability to penetrate the New York local market. Petition at 3-9. Sprint too is learning that some of the LECs intend to invoke the CPNI rules to refuse Sprint's request for their customers' local CPNI despite the fact that Sprint has obtained such customers' consent to permit Sprint access to their CPNI. Indeed, one LEC has informed Sprint that it will only allow Sprint to view a customer's CPNI in cases where Sprint has presented proof that the customer has consented to such release **and** that the customer has agreed to subscribe to Sprint's local service offering. Plainly, it is very difficult for any new entrant to market its services to the incumbent's existing customers if the entrant is unable to obtain, even with the customers' permission, information relating to the customers' existing services obtained from the incumbent so as to present price and service comparisons.

The Commission's finding that PIC freeze information is CPNI will provide the RBOCs and GTE with yet another opportunity to delay, if not prevent, competitive inroads into their markets. MCIW's Petition at 16. Today, if an IXC submits a properly verified PIC change request for intraLATA service to the LEC for a customer and the customer has placed a PIC freeze on her intraLATA service account, the LEC will reject the request and inform the IXC that the account had been frozen. The Commission's ruling that the PIC freeze information is CPNI will enable the LEC to reject the PIC change request but not inform the IXC of the reason for the rejection. This, in turn, will require the IXC to call the customer and ask her to try to think of a reason as to why her requested change was rejected. Even assuming that the customer remembered that she had placed a PIC freeze on her intraLATA account -- and Sprint would note that many customers often do not recall whether they have instituted PIC freezes -- the customer

may become so annoyed by the phone call and "interrogation" and may well become so frustrated with the delay in switching her intraLATA provider that she will inform the IXC that she no longer wants to subscribe to the IXC's intraLATA offering.

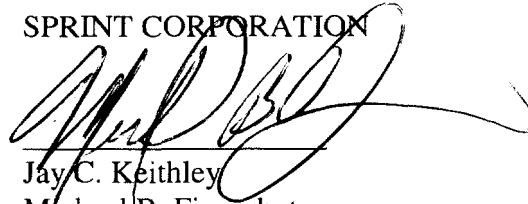
The Commission itself has recognized the danger to competition presented by PIC freezes and has implemented a number of measures designed to mitigate such danger. *See Implementation of the Subscriber Selection Changes Provision of the Telecommunications Act of 1996*, 14 FCC Rcd 1508, 1575-1590 (¶¶112-137) (1998), *recon. pending, appeal pending, MCI v. FCC and USA*, Case No. 99-1125 (D.C. Cir.). In that decision, the Commission explained that that it "share[d] commenter's concerns that in some instances preferred carrier freezes are being, or have the potential to be, implemented in an unreasonable or anticompetitive manner." *Id.* at 1577 (¶115). Thus, the Commission required "that LECs offering preferred carrier freeze programs must accept oral authorization from the customer to remove a freeze and must permit submitting carriers to conduct a three-way conference call with the LEC and the subscriber in order to lift the freeze." *Id.* at 1585 (¶129).

The Commission's decision to classify the PIC freeze information as CPNI flies in the face of such concerns and requirements. Certainly, a three-way conference call to lift the PIC freeze may not be possible if PIC freeze information is considered CPNI. Given the fact that, under the FCC's CPNI rules, a carrier cannot disclose its customer's CPNI to a third party without the customer's written consent, the LEC's representative is likely to refuse to acknowledge that the customer has a PIC freeze in place as long as the IXC's representative is a party to the call. And, if the IXC representative is forced to drop off the call, the LEC representative will be free to suggest to the customer that switching carriers is not in the customer's best interests.

In short, the Commission's goal of enabling local competition will not be realized unless the new entrant can obtain the necessary information to market its services to customers in an effective and efficient manner. For this reason, the Commission should grant MCIW's reconsideration petition.

Respectfully submitted,

SPRINT CORPORATION

A large, stylized handwritten signature in black ink, appearing to read 'Jay C. Keithley', is written over the printed name and extends to the right.

Jay C. Keithley

Michael B. Fingerhut

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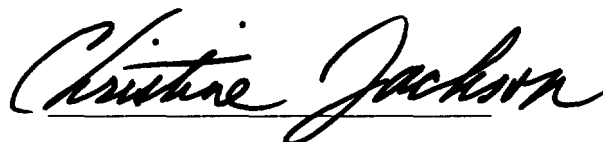
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December 2, 1999

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Comments of Sprint Corporation** was sent by hand or by United States first-class mail, postage prepaid, on this the 2nd day of December, 1999 to the parties on the attached list.

A handwritten signature in cursive script, reading "Christine Jackson". The signature is written in black ink and is positioned to the right of the date.

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